

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ELVIN MCCRAY,

Plaintiff,

v.

Civil Action No. **3:08CV12**

DARNLEY HODGE, SR., et al.,

Defendants.

MEMORANDUM OPINION

On January 14, 2008, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on March 19, 2008, the Court directed Plaintiff to pay an initial partial filing fee of **\$23.27** or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff has neither paid the initial partial filing fee nor averred that he can not pay such a fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall issue.

Date: 5-8-08
Richmond, Virginia

<p>/s/</p> <p>James R. Spencer Chief United States District Judge</p>
